

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ISIAH D. BOGARD,

Defendant.

8:04CR141

ORDER

This matter is before the court on the motion of James E. Mitchell to withdraw as counsel for the defendant, Isiah D. Bogard (Bogard) (Filing No. 29). The court held a hearing on the motion on April 14, 2005. The court determined the motion should be granted. Mr. Mitchell's motion to withdraw (Filing No. 29) is granted and substitute counsel will be appointed.

The court finds Bogard is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. Jerry Hug, 1823 Harney Street, #1004, Omaha, NE 68102, (402) 346-1733, is appointed to represent Bogard for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Hug shall file his appearance in this matter forthwith. The clerk shall provide a copy of this order to Mr. Hug and to the Federal Public Defender.

Mr. Mitchell shall forthwith provide Mr. Hug with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Mitchell which are material to Bogard's defense.

In order to provide new counsel adequate time to prepare for trial, trial of this matter is rescheduled before Senior Judge Lyle E. Strom and a jury commencing at 9:00 a.m. on July 18, 2005. During the hearing on April 14, 2005, Bogard requested such additional time and acknowledges the time provided would be excluded from the computations under the Speedy Trial Act. The additional **time** arising as a result of the granting of the request, i.e., the time between **April 14, 2005 and July 18, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 18th day of April, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge